IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 22133 of 2007(I)

PETITIONER:

K.UNNIMADHAVAN NAIR,
ADVOCATE, S/O. LATE VELAYUDHAN NAIR,
'LEELA MANDIRAM', ALATHUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:
---

1. PALAKKAD DISTRICT CO-OPERATIVE BANK
LTD., ALATHUR BRANCH, ALATHUR,
REPRESENTED BY ITS BRANCH MANAGER.

2. SALE OFFICER,
PALAKKAD DISTRICT CO-OPERATIVE BANK LTD.,
PALAKKAD-1.

BY ADV. SRI.M.P.ASHOK KUMAR
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE LOAN PASS BOOK OF THE PETITIONER.
EXT.P2	TRUE COPY OF THE AWARD DTD. 25-11-05 PASSED IN A.R.C.18/05
EXT.P3	TRUE COPY OF THE NOTICE DTD. 2-8-06
EXT.P4	TRUE COPY OF THE NOTICE DTD. 22-1-2007
EXT.P5	TRUE COPY OF THE AUCTION NOTICE DTD. 26-06-07
EXT.P6	TRUE COPY OF THE REGISTERED LETTER DTD. 09-07-2007 SENT BY THE PETITIONER.

/True copy/

PA to Judge.

K.M.JOSEPH, J.

\- -

W.P.(C).No. 22133 OF 2007

\- -

Dated this the 8th day of August, 2007

JUDGMENT

Petitioner availed a loan which is not repaid. An award was procured by the respondent-bank. In execution of the same, Ext.P5 auction notice was published. Petitioner challenges the same. Petitioner seeks a direction to the respondent-Bank to furnish a proper statement of the account as regards the loan account of the petitioner calculating as per the terms of the Award. He further seeks a direction to the respondent-Bank to provide sufficient instalment facility to the petitioner.

2. I heard learned counsel for the petitioner and the learned counsel for the respondent-Bank also.

3. According to the petitioner, petitioner submitted Ext.P6. According to him, there is mistake in calculating the amount and also the amount paid after the Award is not properly taken into account. Learned counsel for the petitioner submits that petitioner may be given some facility to pay off the amount in instalments.

The writ petition is disposed of as follows:

There will be a direction to the first respondent to furnish a statement of account in regard to the loan account of the petitioner showing the amount remaining to be paid by the petitioner and also the amount of instalments to be paid on the basis that the amount is to be paid in 7 equal monthly instalments, within two weeks from today. The petitioner is permitted to pay off the entire amount remaining to be paid with due interest in 7 equal monthly instalments, the first of which shall be payable on or before 20/09/2007. Petitioner is to pay the remaining instalments on or before the 20th of every succeeding months. If the petitioner does not pay any of the instalments as aforesaid, petitioner will lose the benefit of this judgment and it is open to the respondent-Bank to proceed against the petitioner in accordance with law.

(K.M.JOSEPH, JUDGE)

sv.

(K.M.JOSEPH, JUDGE)

sv.

(K.M.JOSEPH, JUDGE)

sv.